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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re application of:
Inventor(s): Nguyen, *et al.*

Serial No.: 09/227,881

Filed: January 11, 1999

For: Nucleic Acids, Kits and Methods for
the Diagnosis, Prognosis and Treatment of
Glaucoma and Related Disorders

Docket No.: 07425.0057.00US00
97-174

Group Art Unit: 1635

Examiner: M. Shibuya

#12/ELECT.

Response to Restriction Requirement

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In the Office Action mailed September 27, 2000, the Examiner required restriction to one of Groups I through X under 35 U.S.C. § 121. Applicants respectfully traverse the restriction requirement, and provisionally elect the claims of Group X (claims 79-81) for further prosecution.

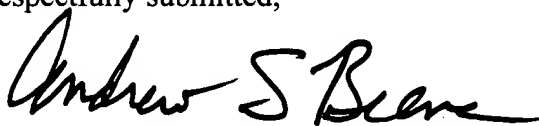
Applicants submit that the complete examination of the application would be most expeditiously handled by treating all of the pending claims as a single entity. As Section 803 of the MPEP states, "[i]f the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions." It is respectfully submitted that the Examiner has not shown that a search and examination of the entire application would cause a serious burden. No serious burden is created when a simultaneous computerized search for the nucleic acids of Group II and the nucleic acids of Group III through VI is run, for example. A single search may be run, for example, in conjunction with databases such as those available at <http://www.ncbi.nlm.nih.gov>. Rather, a serious burden would arise if the application were restricted.

Based on the foregoing, Applicants submit that the restriction requirement is improper and therefore must be withdrawn. To facilitate prosecution, however, Applicants have provisionally elected, with traverse, Group X (claims 79-81).

Should the Examiner have any questions regarding this application, the Examiner is encouraged to contact Applicant's undersigned representative at (202) 383-7217.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 08-3038.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Andrew S. Brenc". The signature is fluid and cursive, with the first name "Andrew" and last name "Brenc" clearly distinguishable.

Joel M. Freed (Reg. No. 25,101)
June E. Cohan (Reg. No. 43,741)
Andrew S. Brenc (Reg. No. 45,534)

Date: October 27, 2000

HOWREY SIMON ARNOLD & WHITE, LLP
Box No. 34
1299 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-2402
(202) 783-0800 telephone
(202) 383-6610 facsimile